S.B. CIVIL WRIT PETITION NO.5508/2004.
(SMT. SAVITRI DEVI VS. J.V.V.N. LTD. & ORS.)

DATE OF ORDER : 22.03.2007.

HON'BLE MR. GOVIND MATHUR, J.

Mr. Rohitash Singh for the petitioner.
Mr. Ravi Bhansali for the respondent/s.

By this petition for writ, a direction is sought by the the petitioner for respondents to accept her application form opting pension scheme applicable to Rajasthan State Electricity Board. A direction is further sought to consider her case for grant of pension.

Briefly stated facts of the case are that late Shri Lal Chand husband of the petitioner entered in the service of Rajasthan State Electricity Board on 01.04.1968 being appointed as Helper Grade II, and was promoted as Helper Grade I subsequently and died in that capacity, while in service on 23.09.1988. According to counsel for the petitioner, the Rajasthan State Electricity Board under a notice dated 06.1.1999 allowed an opportunity to the employees of the Board who retired on or after 01.07.1957 to opt for pension, accordingly she being widow of a deceased employee of Rajasthan State Electricity Board opted for pension but the same was not accepted.

The stand of the petitioner is that in pursuant to the notification dated 06.01.1999, the respondents should have accepted her case for grant of pension.

Per contra, in reply to the writ petition, the stand of the respondents is that the Rajasthan State Electricity Board was constituted on 28.06.1957. While constituting the Board, services of certain employees of electrical and mechanical department of the Government of Rajasthan were utilized and ultimately they were permanently absorbed in the services of the Board. To such employees, in pursuant to the directions given by this Court in D.B. Civil Special Appeal No.1301/1997, opportunity was given to opt for pension under the notification dated 06.01.1999. The husband of the petitioner not being such an employee, was not entitled to do so.

Heard counsel for the parties.

The petitioner for claiming the relief in this petition for writ, has placed reliance upon the notice dated 06.01.1999 issued by the Rajasthan State Electricity Board, relevant portion of that reads as follows:

> "Accordingly all the employees of the erstwhile Electrical & Mechanical Department, Government of Rajasthan, Jaipur who retired on or after 1.7.57 from a post under the RSEB and available themselves of benefits under Contribution Provident Fund Rules and who were alive on 17.10.1987 but did not opt for Pension Rules are allowed an opportunity to exercise option for pension benefit as existing in the Rajasthan Service Rules, 1951 on the date of their respective retirement."

The chance given as above is having application to the employees of erstwhile Electrical and Mechanical Department, Government of Rajasthan, who retired on or after 01.07.1957 from a post under Rajasthan State Electricity Board. The husband of the petitioner was never an employee of the erstwhile Electrical and Mechanical Department of the Government of Rajasthan, as such notification dated 06.01.1999 is having no application in his case. It is further relevant to note that husband of the petitioner Shri Lal Chand was employed with the Rajasthan State Electricity Board on 01.04.1968 and died on 23.09.1988 and during this entire period, there was no provision for grant of pension to the employees of the Board. The Pension Scheme at the first instance was made applicable to the employees of the Rajasthan State Electricity Board on 28.11.1968. As such, under that scheme too, the husband of

the petitioner was not entitled for any pension being died before that.

Accordingly, I do not find any merit in this petition for writ, the same, therefore, is dismissed.

No order to cost.

(GOVIND MATHUR)J.

Anil/